

REMARKS

The Application has been carefully reviewed in light of the Office Action dated July 13, 2005. Claims 34-63 are presented for examination, of which Claims 34, 46-49 and 54-60 are in independent form, and have been amended to define still more clearly what Applicant regards as his invention, in terms which distinguish over the art of record. Claims 61-63 have been added to assure Applicant of a full measure of protection of the scope to which he deems himself entitled.

Initially, Applicant notes that in his last Amendment, he had requested that the Examiner return an initialed copy of the form PTO-1449 filed with the Information Disclosure Statement dated August 11, 2004. The outstanding Office Action states that Applicant's Information Disclosure Statements (plural) do not comply with the requirements of 37 C.F.R. § 1.98 and therefore will not be considered. Applicant does not understand this statement, first, because the first and second Information Disclosure Statements filed by Applicant have in fact been considered, and second, because as far as Applicant can see the Information Disclosure Statement of August 11, 2004, does comply with all requirements of 37 C.F.R. § 1.98 (copies of the cited documents were supplied, apart from the cited U.S. patent, and an English abstract or translation was provided by way of statement of relevance for each of the cited documents not in English; in addition, a form PTO-1449, listing the cited documents, was submitted as part of the Information Disclosure Statement). Accordingly, the Examiner is again requested, with his next paper, to provide Applicant with an initialed copy of the form PTO-1449 filed with the Information Disclosure Statement of August 11, 2004.

In the outstanding Office Action, Claims 49, 50 and 52-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,680,749 (Anderson et al.). In addition, Claim 51 was rejected under 35 U.S.C. § 103(a): as being obvious from *Anderson '749* in view of U.S. Patent 6,715,003 (Safai). Claims 34-40 and 44-48 were rejected under Section 103(a) as being obvious from *Anderson '749* in view of U.S. Patents 6,549,304 (Dow et al.) and 6,215,523 (Anderson et al.), Claim 41, as being obvious from *Anderson '749* in view of *Dow*, *Anderson '523* and U.S. Patent 5,752,053 (Takakura et al.), and Claims 42 and 43, as being obvious from *Anderson '749* in view of *Dow*, *Anderson '523* and U.S. Patent 6,657,702 (Chui et al.).

Independent Claim 34 is directed to an image processing apparatus that comprises a capturing unit adapted to capture a reduction image from a storage medium storing storage images, the reduction images respectively corresponding to the storage images. A first display control unit causes a display device to display the reduction images captured by the capturing unit, and a first selection indication unit selects and indicates those reduction images which are to be subjected to a specific image process, from the reduction images displayed on the display device. After selection by the first selection indication unit, a second display control unit causes *sequential* display of larger size images, the larger size images including a respective larger size image for each of the reduction images indicated by the first selection indication unit. An execution indication unit selects and indicates which of the storage images are to be subjected to the specific image process, by selecting a corresponding larger size image sequentially displayed by the second display control unit, and a specifying unit specifies as a group, as a target of the specific image process, the storage images corresponding to the larger size images

indicated by the execution indication unit, upon completion of the display by the second display control unit.

Thus, among other notable features of the apparatus of Claim 34, are (1) the second display control unit, which, after selection of reduction images, effects sequential display of plural images each larger than a thumbnail, and each corresponding to a respective one of the selected thumbnails, and (2) the execution selection unit, which registers the plural images selected by the user from among the images displayed sequentially, as the target of a single process (e.g., the print process).

By virtue of these features, the user is able to process the selected plural images as a batch.

In the *Anderson '749* system, a large thumbnail 854 of the selected image is displayed, and different effects that are available are preview-displayed in real time by means of thumbnails 852 (see Fig. 13 of *Anderson '749*). Even if *Anderson '749* be deemed to show that a selected process-target image is displayed as one image (that is, the large thumbnail 854), nothing has been found or pointed out in that patent that would teach or suggest the second display control unit. Even if it be deemed that the *Anderson '749* system sequentially displays the thumbnails showing the results of various types of available processing on a single image, that does not suggest sequential display of plural larger images that each correspond to a respective selected thumbnail.

Moreover, since the *Anderson '749* system does not have the recited second display control unit of Claim 34, it also cannot teach or suggest the recited execution selection unit, which operates by selection among plural large images displayed by the recited second display control unit.

For both reasons, it is believed clear that Claim 34 is allowable over *Anderson '749*, taken alone.

Moreover, even if *Dow* and *Anderson '523* are deemed to show all they are cited for, and even assuming the proposed combination of those patents with *Anderson '749* would be a proper one, the result of such combination would not meet the terms of Claim 34, and that claim is therefore believed to be allowable over the art applied against it.

Independent Claim 49 is directed to an image processing apparatus that comprises a capturing unit adapted to capture reduction images stored in a storage medium. A display control unit causes a display device to change, sequentially, display of images each larger than, and corresponding to, a respective reduction image captured by the capturing unit, and a registering unit registers, from among a series of image displayed by the display control unit, plural images indicated by a user as a target of a single process.

In setting out the rejection of Claim 49, the Office cites the following portions of *Anderson '749*: col. 5, lines 55-57; col. 6, line 67, through col. 7, lines 4 (both of these passages were cited in the Office Action as disclosing the capturing unit, and also the display control unit of Claim 49); and col. 13, lines 1-5 (as disclosing the registering unit). For at least the following reasons, however, Applicant strongly believes that Claim 49 is allowable over *Anderson '749*.

Applicant believes that it will be useful to quote the cited portions of *Anderson '749*, particularly in view of their brevity. The first reads:

“LCD controller **390** accesses DRAM **346** and transfers processed image data to LCD screen **402** for display. [bold font original]” (col. 5, lines 55-57)

The second reads:

“After the conversion [of the raw CCD data into an RGB or YCC color format], CPU **344** stores the image data in the frame buffers **536**. The LCD controller **390** then transfers the processing image data from the frame buffers to the LCD screen **402** (via an optional analog converter) for display. [bold font original]” (col. 6, line 67, through col. 7, line 4)

The third reads:

“The results of the different types of effects applied to the selected image are shown in the application-specific items **852** as thumbnail images to provide the user with a real-time preview of the results. [bold font original]” (col. 13, lines 1-5)

The first and second passages, cited in the Office Action as showing the recited capturing unit, do not state, or suggest in any way, that the data being accessed is for thumbnails, or any other reduced images. These passages, therefore, do not meet the terms of the recited capturing unit, which is “adapted to capture reduction images stored in a storage medium”.

Those passages also, of course, do not teach displaying images larger than, and corresponding to, respective thumbnails, since Those passages as noted do not say anything at all about reduction images of any size. These passages also, therefore, fail to disclose or suggest the recited display control unit, which causes display of “images each larger than, and each corresponding to, a respective reduction image captured by said capturing unit”.

The only mention of reduction images in any of these passages is in the third, but the thumbnails there referred to are not ones captured from a storage unit, but are produced from a larger thumbnail 854 that is already being displayed on the LCD screen (col. 12, line 65, through col. 13, line 5). Therefore, none of the portions of *Anderson* ‘749

Each of the other independent claims is either a method, program or medium claim corresponding to one or another of the apparatus claims discussed above, and are believed to be allowable for at least the reasons advanced above with regard to the respective apparatus claims.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested:

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leonard P. Diana", written over a horizontal line.

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